

Message Text

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71

ACTION IO-03

INFO OCT-01 SS-14 ISO-00 EUR-10 NEA-06 ARA-10 AF-04 EA-13

CIAE-00 INR-10 NSAE-00 RSC-01 L-02 H-01 NSC-10 DRC-01

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R 201622Z SEP 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 1742

INFO AMEMBASSY ATHENS

AMEMBASSY BRASILIA

AMEMBASSY BUJUMBURA

AMEMBASSY DAR ES SALAAM

AMEMBASSY JAKARTA

AMEMBASSY GEORGETOWN

AMEMBASSY LISBON

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY TEL AVIV

C O N F I D E N T I A L GENEVA 5014

LIMDIS

E.O. 11652: GDS

TAGS: OCON, ECOSOC

SUBJ: HUMAN RIGHTS; UN SUBCOMMISSION ON PREVENTION DIS
CRIMINATION AND PROTECTION MIN-
ORITIES

1. BY VOTE 12 (US EXPERT, A. CARTER)

TO 1 (SOV EXPERT) WITH 1 ABSTENTION (UK EXPERT) AND 2 NOT
PARTICIPATING (GREEK, CHILEAN EXPERTS), SUBCOMMISSION
ADOPTED CONFIDENTIAL RES (DOC E/CN 4/SUB 2/R.8) ON
ITEM 8, "COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT
OF WORKING GROUP ESTABLISHED UNDER SUBCOM RES 2 (XXIV)
IN ACCORDANCE ECOSOC RES 1503 (XLVIII)". RES CITES
8 COUNTRIES FOR HUMAN RIGHTS VIOLATIONS. PROCEDURAL
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QUESTION WHETHER TO ADOPT RES OR REPORT DECIDED BY VOTE

OF 10 (CARTER) TO 9 WITH 2 ABSTENTIONS. MOVE TO ADOPT UNCONFIDENTIAL RES DEFEATED BY TIE VOTE (CARTER IN FAVOR).

2. UPON RECOMMENDATION WG ESTABLISHED

REVIEW PETITIONS FROM GROUPS AND INDIVIDUALS ALLEGING GROSS HUMAN RIGHTS VIOLATIONS, AND IN ACCORDANCE ECOSOC RES 1503, RES REFERS VIOLATIONS IN FOLLOWING COUNTRIES TO HRC: PORTUGAL, IRAN, BRAZIL, BURUNDI, GUYANA, INDONESIA, TANZANIA, AND UK. CITATIONS AND ANY HRC INVESTIGATIONS THEREOF STRICTLY CONFIDENTIAL UNTIL HRC MAY DECIDE MAKE RECOMMENDATIONS TO ECOSOC. LIST IS FIRST SINCE PROCEDURE ESTABLISHED IN 1970 BY ECOSOC RES 1503. IN ADDITION, RES REQUESTS SYG INFORM CHINA, CUBA, CZECHOSLOVAKIA, GREECE, POLAND, SOUTH AFRICA, USSR, UK AND US OF IMPORTANCE ATTACHED TO REPLIES SUBMITTED ON PETITIONS RE ARTICLE 13 (RIGHT TO LEAVE AND RETURN TO ONE'S COUNTRY) UNIVERSAL DECLARATION HUMAN RIGHTS. RES INSTRUCTS WG RECONSIDER NEXT YEAR COMMUNICATIONS RE ALLEGED HUMAN RIGHTS VIOLATIONS IN TERRITORIES OCCUPIED BY ISRAEL (PARAS 11 AND 14 WG REPORT, DOC.E/CN.4/SUB.2/R.7, RESTRICTED). SUBCOMMISSION VOTED ONLY ON VIOLATIONS SUBMITTED FOR CONSIDERATION FOR WG IN 1972 REPORT, EXCEPT FOR GREEK CASE.

3. CASE BY CASE VOTE FOLLOWS:

A. GREECE (TORTURE, DETENTION WITHOUT TRIAL). MOTION BRING GREEK CASE BEFORE SUBCOMMISSION DEFEATED 5 (CARTER), TO 12 WITH 3 ABSTENTIONS. WG HAD SUBMITTED CASE LAST SESSION, WHEN NO CASES WERE ACTED UPON BY SUBCOMMISSION. WG DECIDED THIS SESSION, THROUGH TIE VOTE RESULTING FROM ABSENCE MEXICAN EXPERT, NOT RESUBMIT GREEK CASE THIS YEAR. ISSUE WAS WHETHER WG HAS AUTHORITY DROP CASE ONCE IT HAS BEEN SUBMITTED TO SUBCOMMISSION.

B. PORTUGAL (MASSACRE, TORTURE), BY VOTE OF 19 (CARTER) TO 0, WITH 4 ABSTENTIONS.

C. IRAN (SUMMARY EXECUTIONS AND MISTREATMENT POLITICAL PRISONERS), BY VOTE 14 (CARTER) TO 1, WITH 8 AB-
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STENTIONS.

D. BRAZIL (TORTURE, DETENTION WITHOUT TRIAL), BY VOTE OF 20 (CARTER) TO 1 (USSR EXPERT) WITH 2 ABSTENTIONS.

3. BURUNDI (MASSACRE) BY VOTE OF 19 (CARTER) TO 1, WITH 3 ABSTENTIONS.

F. GUYANA (DISCRIMINATION AGAINST MAJORITY WHO ARE OF EAST INDIAN ORIGIN), BY VOTE OF 12 TO 2 (CARTER), WITH 9 ABSTENTIONS.

G. INDONESIA (DETENTION AND EXILE OF POLITICAL PRISONERS WITHOUT TRIAL), BY VOTE OF 13 TO 1 WITH 10 ABSTENTIONS (CARTER).

H. TANZANIA (FORCED MARRIAGES ON ZANZIBAR), BY VOTE OF 9 TO 4 (CARTER) WITH 10 ABSTENTIONS.

I. UK (TORTURE AND ILLEGAL METHODS INTERROGATION DETAINEES IN NORTH IRELAND CONFLICT), BY VOTE 9 TO 3 WITH 11 ABSTENTIONS (CARTER).

4. COMMENT: AMB CARTER VOTED YES ON PORTUGAL, IRAN, BRAZIL, AND BURUNDI BECAUSE CASES WELL DOCUMENTED, SERIOUS AND GOVTS HAD NOT REPLIED TO LIST OF PETITIONS FURNISHED BY SYG UNDER ECOSOC RES 1503 ALTHOUGH THEY HAD HAD ADEQUATE TIME TO DO SO. CARTER VOTED NO ON TANZANIA BECAUSE EFFECTIVE NATIONAL MEASURES HAVE BEEN TAKEN TO STOP FORCED MARRIAGES. IN CASES GUYANA AND INDONESIA GOVTS HAD NOT BEEN GIVEN ADEQUATE TIME TO REPLY AND GUYANA CASE NOT PARTICULARLY WELL DOCUMENTED. UK HAS TAKEN NATIONAL MEASURES CORRECT SITUATIONS RE DETAINEES BUT DID NOT REPLY TO SYG'S REQUEST FOR INFO ON SITUATION; THEREFORE CARTER ABSTAINED. HAD GREEK CASE BEEN BROUGHT BEFORE SUBCOMMISSION, CARTER WOULD HAVE VOTED NO BECAUSE NATIONAL MEASURES HAD BEEN TAKEN BUT HE VOTED YES ON PROCEDURAL PRINCIPLE WG NOT IMPROVED OMIT VIOLATIONS SUBMITTED FOR CONSIDERATION IN PREVIOUS YEAR WHICH HAVE NOT BEEN CONSIDERED BY SUBCOMMISSION WHICH HAS FINAL AUTHORITY DECIDE WHICH CASES SHOULD BE VOTED UPON. SMIRNOV (USSR) CONFIDENTIAL

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VOTED NO ON RES AS WHOLE AND EVERY CASE EXCEPT PORTUGAL, MAKING CLEAR HIS DISTASTE FOR PROCEDURE CITING SPECIFIC GOVTS FOR HUMAN RIGHTS VIOLATIONS. END COMMENT

5. COMPOSITION WG TO REVIEW PETITIONS BEFORE 27TH SESSION SUBCOMMISSION AS FOLLOWS: MRS QUESTIAUX, FRANCE (CURRENT CHAIRMAN); MR PRIZADA, PAKISTAN; MR SEKYIAMAH, GHANA; MR SMIRNOV, USSR; MR GROS ESPIELL, URUGUAY. QUESTIAUX CONSIDERED TO HAVE PERFORMED EXCELLENTLY; THEREFORE WEO GROUP DECIDED TO RE-NOMINATE HERE. BASSIN

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